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AUG 16 2005

PATENT #6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors : Michael M. Thackeray et al. EV347075778US

Title : SYNTHESIS OF INTERMETALLIC NEGATIVE
ELECTRODES FOR LITHIUM CELLS AND BATTERIES

Serial No. : 09/943,966

Filing Date : August 31, 2001

Date : January 19, 2004

Docket No. : 220

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being forwarded,
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Commissioner for Patents, MAIL STOP P.O. Box 1450,
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Date of Facsimile Transmission

Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO REINSTATE
ABANDONMENT OF APPLICATION UNDER §1.137(b)

SIR:

This is a petition to revive the above-identified patent application

In response to the Notice of Abandonment dated December 19, 2003,
applicants, through their attorneys, respond as follows:

On February 21, 2002, attorneys for applicant filed, via Express Mail No. EL
858809632 US, a response to the Notice to File Missing Parts mailed January 30,
2002. A copy of the Response is enclosed along with a copy of the return receipt
postcard showing a receipt date in the PTO of February 21, 2002.

Upon review of the enclosed documents, granting of this petition is respectfully
requested and no additional fee is due.

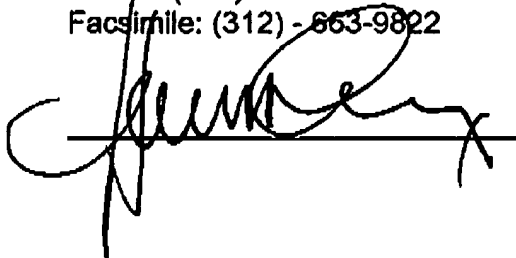
Thackeray et al.
Serial No. 09/943,966
Filed: 08/31/2001

The Commissioner is requested to charge any additional fees or credit any overpayments incident to the filing of this Petition to Deposit Account No. 05-1060. A duplicate copy of this Petition is enclosed.

January 17, 2004

Respectfully submitted,

Harry M. Levy, Esq.
Emrich & Dithmar
300 South Wacker Drive
Suite 3000
Chicago, Illinois 60606
Phone: (312)-663-9800
Facsimile: (312) - 663-9822

A handwritten signature in black ink, appearing to read "Harry M. Levy", is written over a horizontal line.

PATENT ANL-IN-00-120 (220)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Christopher S. Johnson, et al.
Serial No. : 09/943,966 **EL 858809632 US**
Filed : August 31, 2001
Title : SYNTHESIS OF INTERMETALLIC NEGATIVE ELECTRODES FOR
LITHIUM CELLS AND BATTERIES
Date : February 19, 2002

COMMUNICATION FORWARDING
SIGNED DECLARATION, POWER OF ATTORNEY**VIA EXPRESS MAIL NO. EL 858809632 US**Assistant Commissioner for Patents
Washington, D.C. 20231

Attention: BOX MISSING PARTS

Sir:

Enclosed is the executed Declaration, Power of Attorney for the above application.

Please substitute the enclosed signed Declaration for that presently on file in the above application. Our check in the amount of \$65.00 is enclosed.

The Commissioner is hereby authorized to charge any additional amount due or credit any overpayment in connection with this matter to Deposit Account No. 05-1060. A duplicate copy of this Communication is enclosed.

Respectfully submitted,

EMRICH & DITHMAR
Attorneys for Applicants
300 South Wacker Drive, Suite 3000
Chicago, Illinois 60608
(312) 663-9800Dated: 2/19/02By Harry M. Levy
Reg. No. 24,246**CERTIFICATE OF EXPRESS MAILING**I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, before the next scheduled pick-up, postage prepaid, in an envelope addressed to U.S. Patent and Trademark Office, Assistant Commissioner for Patents, Washington, D.C. 20231 on 2/19/02EL 858809632 US

Express Mail No.

Signature



EL 858809632 US



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EMRICH & DITHMAR

Chicago, Illinois

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COMMUNICATION FORWARDING SIGNED DECLARATION, POWER OF ATTORNEY, CHECK IN AMOUNT OF \$100, TRANSMITTAL LETTER IN DUPLICATE

Argonne National Laboratory
Serial No. 09/943,966



Case 220
Filed: August 31, 2001

Joint
ANL-IN-00-120 (220)

**DECLARATION, POWER OF ATTORNEY
AND CORRESPONDENCE ADDRESS**

As below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to our name.

I believe I am the original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled SYNTHESIS OF INTERMETALLIC NEGATIVE ELECTRODES FOR LITHIUM CELLS AND BATTERIES, the specification of which is attached hereto and identified as Application Serial No. 09/943,966 filed August 31, 2001 (filing particulars to be inserted when received).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the patentability of the claims in this application in accordance with 37 CFR §1.56(a), including all information known to me to be material to patentability as defined in 37 CFR §1.56.

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Mark D. Hilliard (Reg. No. 30,463); Harry M. Levy (Reg. No. 24,248); Paul L. Brown (Reg. No. 27,184); James J. Hill (Reg. No. 24,287), Thomas E. Hill (Reg. No. 28,955) and Jonathan J. Krit (Reg. No. 37,164).

Address all telephone calls and correspondence to:

Harry M. Levy, Esq.
Emrich & Dithmar
300 South Wacker Drive-Suite 3000
Chicago, Illinois 60606
(312) 663-9800

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both,

Joint
ANL-IN-00-120 (220)

under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 10/4/01

Michael M. Thackeray
Michael M. Thackeray

Residence and Post Office Address
1763 Cliffside Court
Naperville, IL 60565
Citizen of South Africa

Dated: 10/4/01

Christopher S. Johnson
Christopher S. Johnson

Residence and Post Office Address
1933 Lisson Road
Naperville, IL 60565
Citizen of the United States of America

EMRICH & DITHMAR LLC

ATTORNEYS AND COUNSELORS

SUITE 2080

125 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606-4401, USA

TEL: 312-663-9800

FAX: 312-663-9822

PATENTS, TRADEMARKS, COPYRIGHTS
UNFAIR COMPETITION LAW
AND RELATED LITIGATIONPAUL L. BROWN
JAMES J. HILL
HARRY M. LEVY
ROBERT R. CALIRI
THOMAS E. HILL
JONATHAN J. KRIT
HELEN S. CORDELL
OF COUNSEL**RECEIVED**
CENTRAL FAX CENTER**AUG 16 2005****TELECOPIER****TRANSMITTAL SHEET****OFFICIAL PAPER****To:** Director for Patents
U.S. Patent and Trademark Office
Telecopier No. 1-571-273-8300**From:** Harry M. Levy, Esq.
EMRICH & DITHMAR LLC
Telecopier No. 312-663-9822**Date:** August 16, 2005 **Time:****No. of Pages (including this sheet):** 13**Comments:** Michael M. Thackeray et al.
Docket No. ANL 220
Serial No. 09/943,966
Filed: August 31, 2001

Please inform the attorney of record in the above application as to the status of the above-identified application.

A Petition to Reinstate Abandonment of Application was mailed in this case on January 20, 2004, copies attached hereto.

******* CONFIDENTIALITY NOTE *******

The documents accompanying this telecopy transmission contain information from the law firm of Emrich & Dithmar which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this telecopied information is prohibited. If you have received this telecopy in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

Chicago, Illinois

EXPRESS MAIL NO. EV 347075778 US
January 20 2004

HML

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id

The Stamp of the U.S. Patent and Trademark Office hereon may be taken as an acknowledgement of the receipt on the date stamped of:
Petition to Reinstate Abandonment of Application Under §1.137(b);
Copy of Return Receipt Postcard From PTO Dated February 21, 2002;
copy of Communication Forwarding Signed Declaration, Power of Attorney Dated February 21, 2002; Return Receipt Postcard
Client: ARGONNE NATIONAL LABORATORY
Case No. 220
Serial No. 09/943,966

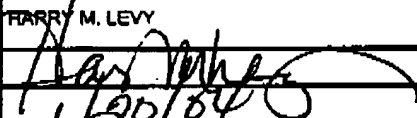
Filed: August 31, 2001

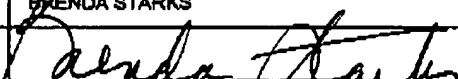
PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | |
|---|------------------------|-----------------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 09/943,986 |
| | Filing Date | August 31, 2001 |
| | First Named Inventor | Michael M. Thackeray et al. |
| | Art Unit | |
| | Examiner Name | |
| Total Number of Pages in This Submission | Attorney Docket Number | ANL 220 |

| ENCLOSURES (Check all that apply) | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): RETURN RECEIPT POSTCARD |
| Remarks Petition to Reinstate Abandonment of Application Under Section 1.137(b) and copy of Response filed | | |
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | |
| Firm or Individual name | HARRY M. LEVY | |
| Signature |  | |
| Date | 1/20/04 | |

| CERTIFICATE OF TRANSMISSION/MAILING | | |
|---|---|--------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. | | |
| Typed or printed name | BRENDA STARKS | |
| Signature |  | Date 1/20/04 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17 (10-03)

Approved for use through 07/31/2008. OMB 0351-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Patent Reduction Act of 1992, no action is required to record an indication of information unless it discloses a valid OMB control number.

FEE TRANSMITTAL
for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

| | |
|----------------------|----------------------|
| Application Number | 09/843,966 |
| Filing Date | August 31, 2001 |
| First Named Inventor | Michael M. Thackeray |
| Examiner Name | |
| Art Unit | |
| Attorney Docket No. | ANL 220 |

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☒ None☒ Deposit Account:Deposit Account Number
Deposit Account Name

05-1060

Emrich and Dithmar

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the designated deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|-------------------------------|-------------------------------|------------------------|----------|
| 1001 770 | 2001 385 | Utility filing fee | |
| 1002 340 | 2002 170 | Design filing fee | |
| 1003 530 | 2003 265 | Plant filing fee | |
| 1004 770 | 2004 385 | Reissue filing fee | |
| 1005 180 | 2005 80 | Provisional filing fee | |
| SUBTOTAL (1) (\$) | | | |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|-------------------------------|-------------------------------|--|----------|
| 1202 18 | 2202 8 | Claims in excess of 20 | |
| 1201 88 | 2201 43 | Independent claims in excess of 3 | |
| 1203 280 | 2203 145 | Multiple dependent claim, if not paid | |
| 1204 88 | 2204 43 | ** Reissue independent claims over original patent | |
| 1205 18 | 2205 9 | ** Reissue claims in excess of 20 and over original patent | |
| SUBTOTAL (2) (\$) | | | |

*or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|-------------------------------|-------------------------------|--|----------|
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 2053 65 | Non-English specification | |
| 1812 2,520 | 1812 2,520 | For filing a request for ex parte reexamination | |
| 1804 820* | 1804 820* | Requesting publication of SIR prior to Examiner action | |
| 1805 1,840* | 1805 1,000* | Requesting publication of SIR after Examiner action | |
| 1251 110 | 2251 55 | Extension for reply within first month | |
| 1252 420 | 2252 210 | Extension for reply within second month | |
| 1253 650 | 2253 475 | Extension for reply within third month | |
| 1254 1,480 | 2254 740 | Extension for reply within fourth month | |
| 1255 2,010 | 2255 1,005 | Extension for reply within fifth month | |
| 1401 330 | 2401 165 | Notice of Appeal | |
| 1402 330 | 2402 165 | Filing a brief in support of an appeal | |
| 1403 280 | 2403 145 | Request for oral hearing | |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | |
| 1452 110 | 2452 55 | Petition to revive - unavoidable | |
| 1453 1,330 | 2453 665 | Petition to revive - unintentional | |
| 1501 1,330 | 2501 665 | Utility issue fee (or reissue) | |
| 1502 480 | 2502 240 | Design issue fee | |
| 1503 640 | 2503 320 | Plant issue fee | |
| 1490 130 | 1490 130 | Petition to the Commissioner | |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(e) | |
| 1808 180 | 1808 180 | Submission of Information Disclosure Stmt | |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 770 | 2809 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 770 | 2810 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 770 | 2801 385 | Request for Continued Examination (RCE) | |
| 1802 900 | 1802 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

AUTHORITY

Name (Print/Type)

HARRY M. LEVY

Registration No.
(Attorney/Agent)

24,248

(Complete if applicable)

Telephone 312-883-9800

Signature

Date

11/20/04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
| 09/943,966 | 08/31/2001 | Michael M. Thackeray | 220 |

EMRICH & DITHMAR
ATTORNEYS AND COUNSELORS
SUITE 3000
300 SOUTH WACKER DRIVE
CHICAGO, IL 60606

CONFIRMATION NO. 1578
ABANDONMENT/TERMINATION
LETTER

OC000000011533408

Date Mailed: 12/19/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 01/30/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

[Signature]

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Initial Patent Examination Division (703) 308-1202

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| FROM: (PLEASE PRINT) PHONE 312 663 9800 EMRICH & DITHMAR 300 S WACKER DR STE 3000 CHICAGO IL 60606-6703 HARRY M. LEVY ANL 220 | | | | TO: (PLEASE PRINT) PHONE COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, VA 22202-1450 | | | |
| PREPS HAND FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com | | | | | | | |